

**AUSTRALIAN CAPITAL TERRITORY  
ASSOCIATIONS INCORPORATION ACT 1991**



**CONSTITUTION  
OF THE AUSTRALIAN CAPITAL TERRITORY  
JUSTICES OF THE PEACE ASSOCIATION INCORPORATED**

**As amended November 2011.**

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**1. INTERPRETATION**

- 1.1 In the interpretation of this Constitution, where the context permits the following, expressions shall bear the following meanings:
- 1.2 'The Association' means the ACT Justices of the Peace Association Incorporated.
- 1.3 'The Executive' means the Executive of the Association as stated in Section 4.1.
- 1.4 'Month', 'Financial Year' and rules as to the gender and number, are as defined in the *Acts Interpretation Act 1901*.
- 1.5 'The Act' means the *Australian Capital Territory Associations Incorporation Act 1991*.

**2. NAME**

- 2.1 The name of the Association is the 'ACT Justices of the Peace Association Incorporated'. The short title is 'ACT JPA Inc.'

**3. OBJECTIVES**

- 3.1 The objectives of the Association are to promote, support and protect the status and interests of Justices of the Peace.

**4. MANAGEMENT**

- 4.1 The Association shall be managed by an Executive consisting of a President, a Vice President, a Secretary, a Treasurer-Registrar and three other members.
- 4.2 All positions of the Executive shall be honorary.
- 4.3 All members of the Executive shall be elected at the annual general meeting, and subject to the termination of office by resignation or otherwise, shall remain in office subject to this Constitution, until the conclusion of the annual general meeting following the date of the member's election but are eligible for re-election.
- 4.4 Subject to Section 19, the Executive shall have the power to fill a casual vacancy on the Executive.
- 4.5 The President may summon a meeting of the Executive, and must do so if called by two members of the Executive. The Executive shall meet at least four times a year. Four members of the Executive constitute a quorum.
- 4.6 The Executive may engage persons in furtherance of the management of the Association and may pay them such remuneration as it thinks fit.
- 4.7 The Executive may appoint sub-committees from time to time to promote the work of the Association or to work on special projects.

**5. DISCIPLINING OF MEMBERS**

- 5.1 Where the Executive is of the opinion that a member:
    - a. has persistently refused or neglected to comply with a provision of this Constitution, or
    - b. has persistently and wilfully acted in a manner prejudicial to the interests of the Association,the Executive may, by resolution:
    - c. expel the member from the Association, or
    - d. suspend the member from such rights and privileges of membership of the Association as the Executive may determine for a specified period.
  - 5.2 Where the Executive passes a resolution under Sub-section 5.1, the Secretary shall, as soon as practicable, cause a notice in writing to be served on the member:
    - a. setting out the resolution of the Executive and the grounds on which it is based;
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- b. stating that the member may address the Executive at a meeting to be held not earlier than 14 days and not later than 28 days after service of the notice;
  - c. stating the date, time and place of that meeting; and
  - d. informing the member that the member may do either or both of the following:
    - 1. attend and speak at the meeting,
    - 2. submit to the Executive at or prior to the meeting written representations relating to the resolution.
- 5.3 A resolution of the Executive under Sub-section 5.1 is of no effect unless the Executive, at a meeting held not earlier than 14 days and not later than 28 days after service on the member of a notice under Subsection 5.2, confirms the resolution in accordance with this Section.
- 5.4 Subject to Section 50 of the Act, at a meeting of the Executive mentioned in Sub-section 5.3, the Executive shall:
- a. give to the member mentioned in Sub-section 5.1 an opportunity to make oral representations,
  - b. give consideration to any written representations submitted to the Executive by that member at or prior to the meeting; and
  - c. by resolution, determine whether or not to confirm or revoke the resolution of the Executive made under Sub-section 5.1.
- 5.5 Where the Executive confirms a resolution under Sub-section 5.4, the Secretary shall, within 7 days after that confirmation by notice in writing, inform the member of that confirmation and of the member's right of appeal under Section 6.
- 5.6 A resolution confirmed by the Executive under Sub-section 5.4 does not take effect:
- a. until the expiration of the period within which the member is entitled to appeal against the resolution where the member does not exercise the right to appeal within that period, or
  - b. where within that period the member exercises the right of appeal, unless and until the Association confirms the resolution in accordance with Sub-section 6.4.

## **6. RIGHT OF APPEAL OF DISCIPLINED MEMBER**

- 6.1 A member may appeal to the Association in general meeting against a resolution of the Executive, which is confirmed under Sub-section 5.4, within 7 days after notice of that resolution is served on the member, by lodging with the Secretary a notice to that effect.
- 6.2 Upon receipt of a notice under Sub-section 6.1, the Secretary shall notify the Executive which shall convene a general meeting of the Association which is to be held within 21 days after the date on which the Secretary received the notice or as soon as possible after that date.
- 6.3 Subject to Section 50 of the Act, at a general meeting of the Association convened under Sub-section 6.2:
- a. no business other than the question of the appeal shall be transacted;
  - b. the Executive and the member shall be given the opportunity to make representations in relation to the appeal orally or in writing, or both; and
  - c. the members present shall vote by secret ballot on the question of whether the resolution made under Sub-section 5.4, that the resolution be confirmed.
- 6.4 If the meeting passes a special resolution in favour of the confirmation of the resolution made under Sub-section 5.4, that resolution is confirmed and the appellant member shall cease to be a member of the Association forthwith.
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## **7. PUBLIC OFFICER**

- 7.1 The executive shall appoint a person resident in the Australian Capital Territory to be the Public Officer of the Association for the purposes of the Act and if that office at any time becomes vacant appoint a person resident in the Australian Capital Territory to fill that vacancy. The Public Officer so appointed shall be a financial member of the Association and may, subject to this Constitution, hold any other office in the Association.

## **8. PATRON**

- 8.1 At the annual general meeting the members may offer to a notable person the office of Patron and upon receipt of a reply indicating the willingness of the said person to act, he/she shall be so appointed and shall hold office until the next annual general meeting.

## **9. POWERS**

- 9.1 The Association shall have the power to:
- a. affiliate and liaise with other organisations and associations to further the interests of Justices of the Peace;
  - b. consider questions affecting the interests of Justices of the Peace and, if necessary, initiate a petition to the Local Government in relation to measures and legislation affecting Justices of the Peace, and to promote changes of law or practice for the promotion and/or improvement of the Association;
  - c. assist in the administration of justice if required by the responsible authorities;
  - d. take such steps as the Executive or the members in general meeting may from time to time deem expedient for the purposes of raising funds or procuring contributions to the funds of the Association, whether by way of donation, subscription or otherwise deemed to be of proper nature;
  - e. promote information on subjects of interest to Justices of the Peace by the publication of newspapers, magazines, periodicals, lectures, discussions, books and other suitable correspondence authorised by the Association, and distribute legal and /or other suitable literature affecting Justices of the Peace, their functions and interests;
  - f. promote and encourage social fellowship amongst the members;
  - g. promote Conferences of Justices of the Peace; and
  - h. do other lawful things as are incidental or conducive to the attainment of the above objectives.

## **10. MEMBERSHIP**

- 10.1 Membership of the Association shall be available to eligible persons in the following categories:
- a. Ordinary Member - any person who has been appointed as a Justice of the Peace for the Australian Capital Territory;
  - b. Life Member - such other persons as the Executive may approve in recognition of distinguished service to the Association; and
  - c. Associate Member – any person who is undertaking the ACT Justice of the Peace training course.
- 10.2 The Executive may, at its discretion, prescribe conditions of membership in respect of one or more of the categories of members; in particular, the Executive may waive or vary the subscription payable by any member and privileges attached to the member.
- 10.3 Application for Ordinary or Associate Membership shall be in writing on the approved form.

## **11. ENTRANCE FEE AND SUBSCRIPTIONS**

- 11.1 From time to time, the Executive may prescribe an entrance fee and the annual subscription.
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**12. SUBSCRIPTION YEAR**

12.1 Annual subscriptions shall be payable on the first day of the financial year, i.e. 1 July. Where a member joins the Association on or after 1 January and on or before 30 June in any year, the subscription shall be deemed to cover the period ending June of the following year.

**13. MEMBERS' LIABILITIES**

13.1 The liability of a member to continue towards the payment of debts and liabilities of the association or the costs, charges and expenses of the winding up of the association is limited to the amount, if any, unpaid by the member, in respect of membership of the Association, to the annual membership fee or any other amount which has been determined by the Executive.

**14. CESSATION OF MEMBERSHIP**

14.1 A member may resign by signifying his intention to do so in writing to the Secretary or shall be deemed to have resigned if the subscription, not waived by the Executive, is unpaid for six months after due date.

**15. ANNUAL GENERAL MEETING**

15.1 An annual general meeting of the Association shall be held within five months but as soon as it is practicable after the end of the Association's financial year. The Secretary shall give fourteen days notice of the meeting.

15.2 At the meeting the audited accounts for the past year shall be submitted, the Executive; Auditor and Patron for the ensuing year elected, and any business dealt with of which seven days notice has been given by a member. The members personally present shall form a quorum.

**16. ELECTION OF THE EXECUTIVE**

16.1 Nomination of candidates for election as office-bearers of the Association:

- a. shall be called for by the Secretary not less than fourteen days before the date fixed for the annual general meeting;
- b. shall be made in writing, signed by two financial members of the association and accompanied by the written consent of the candidate (which may be endorsed on the nomination form); and
- c. shall be delivered to the Secretary not less than seven days before the date fixed for the annual general meeting.

16.2 If insufficient nominations are received to fill all vacancies on the Executive, the candidates nominated are taken to be elected and further nominations shall be received at the annual general meeting.

16.3 If the number of further nominations received at the annual general meeting exceeds the number of remaining vacant positions, a ballot shall be held to fill those remaining vacant positions.

16.4 If insufficient further nominations are received, any vacant positions remaining on the Executive are taken to be vacant.

16.5 If the number of nominations received is equal to the number of vacancies to be filled, the nominated persons are taken to be elected.

16.6 If the number of nominations received exceeds the number of vacancies to be filled, a ballot shall be held.

16.7 The ballot for the election of the Executive must be conducted at the annual general meeting in such a manner as the Executive may direct

16.8 A Returning Officer shall be appointed by the Executive to conduct any ballot required at the AGM. The Returning Officer shall not be a nominee for any Executive position.

16.9 The Returning Officer shall record the number of votes received during the ballot for the Executive by each successful and unsuccessful nominee.

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**17. VACANCIES**

- 17.1 For the purpose of this Constitution, a vacancy on the Executive shall occur:
- a. by virtue of Sub-section 17.4; or
  - b. if the incumbent:
    1. dies;
    2. ceases to be a member of the Association;
    3. resigns from office;
    4. is removed from office pursuant to Sub-section 19.1,
    5. becomes bankrupt or personally insolvent;
    6. suffers from a mental or medical incapacity;
    7. is disqualified from holding office under the Act, or
    8. is absent without the consent of the Executive from three (3) consecutive Executive meetings.

**18. REMOVAL OF EXECUTIVE MEMBERS**

- 18.1 The members in general meeting may by resolution, subject to Section 50 of the Act, remove any member of the Executive from office before the expiration of the member's term of office.

**19. FILLING OF VACANCIES**

- 19.1 If a vacancy on the Executive occurs by virtue of Sub-section 16.4, the Executive at any time thereafter may appoint a member of the Association, with that member's consent, to fill the vacancy.
- 19.2 If a vacancy occurs consequent to Sub-section 17.1 b, the Executive may appoint to the position the member of the Association, with that member's consent, who received the next highest number of votes for election to the Executive at the last election of office-bearers.
- 19.3 If a vacancy occurs consequent to Sub-section 17.1, members in general meeting may require the calling of nominations and, if necessary, the conduct of a ballot to fill the vacancy.
- 19.4 A member filling a vacancy under this section may hold office only until the next annual general meeting.

**20. SPECIAL GENERAL MEETINGS**

- 20.1 A special general meeting of the Association shall be called at the request, in writing and addressed to the Secretary, by not less than ten members of the Association or of a majority of members of the Executive, and seven days notice of such a meeting shall be given to each financial member. Ten members personally present shall form a quorum.

**21. NOTICES TO MEMBERS**

- 21.1 A notice to a member shall be sent by postal or electronic communication method to the member's last applicable address recorded on the Association's membership register, and shall be taken to have been received by the member on the third day after dispatch.

**22. CHAIRING OF MEETINGS**

- 22.1 The President shall chair all general and Executive meetings. In the President's absence from a meeting the Chair shall be taken by the Vice President. In the absence of the Vice President the Chair shall be taken, in the following precedence, by a member of the Executive or by any other member so nominated by the remaining members present.

**23. CONDUCT OF MEETINGS**

23.1 The Chairman shall conduct all meetings in accordance with the guidance provided in contemporary texts on this subject. At all times, meetings shall be conducted with dignity and common sense as befitting the ideals of the Association.

**24. RESOLUTIONS**

24.1 Except as provided in Section 27, resolutions at any meeting shall be by simple majority of those present and eligible to vote.

24.2 Votes shall be taken by a show of hands unless otherwise desired by the meeting, and the chairman of the meeting shall have a casting as well as an ordinary vote.

24.3 Voting by proxy is not provided for under this Constitution.

**25. MINUTES**

25.1 The Secretary shall record and preserve minutes of all meetings.

**26. AMENDMENTS TO THE CONSTITUTION**

26.1 No amendment shall be made to this Constitution unless it is passed at a general meeting of the Association and in accordance with the Act.

26.2 Thirty days written notice shall be given to the Secretary of proposed amendments together with the names of the members proposing and seconding them.

26.3 In addition to the proposed amendments, their proponents shall provide to the Secretary a statement outlining the effect which each amendment would have on the Constitution.

26.4 Copies of the proposed amendments and their supporting rationale shall be sent to all members at least fourteen days prior to the meeting, and no amendment shall be made except by a two-thirds majority of the eligible members exercising their right to vote.

26.5 Voting may be postal or votes may be lodged at the general meeting and voting papers shall be sent out with copies of the proposed amendments. The Executive may from time to time make rules and settle procedures concerning the voting arrangements under this section.

**27. ASSETS OF THE ASSOCIATION**

27.1 The assets of the Association shall at all times be applied exclusively towards the promotion of the Objects of the Association as set out in Section 3.

27.2 No asset of the Association shall at any time be paid or transferred directly or indirectly by way of profit or gain to any member or past member and no distribution of moneys or property of the Association shall at any time be made to past or present members.

27.3 Nothing herein however shall prevent the payment in good faith or remuneration to any officer or servant of the Association or to any members in return for any expenses incurred in the performance of services rendered to the Association.

27.4 The Executive may authorise expenditure by way of subsidies to defray the cost of any social function held by the Association in furtherance of its Objectives.

**28. FINANCIAL MANAGEMENT**

28.1 Source of Funds

a. The funds of the Association shall be derived from entrance fees and annual subscriptions of members, donations and, subject to any resolution passed by the Association in general meeting and subject to Section 114 of the Act, such other sources as the Executive determines.

b. All monies received by the Association shall be deposited as soon as practicable and without deduction to the Association's bank account.

c. The Association shall, as soon as possible after receiving any money, issue an appropriate receipt.

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- 28.2 The Executive shall ensure that the financial affairs of the Association are properly managed as follows:
- a. **Accounting Records** - The Treasurer shall be responsible for keeping proper accounting records in accordance with Australian Accounting Standards and the Associations Incorporation Act (ACT) 1991.
  - b. **Unauthorised Expenses** - No member shall incur any expense upon, or on behalf of, the Association without due authority from the Executive or commit the Association in any way. Such action will be to the account of the member who shall be subjected to such disciplinary action as determined by the Executive.
  - c. **Investment** - Moneys of the Association not required for expenditure may be invested in or upon any securities or manner of investment from time to time determined by the Executive, but not including any loan to a member.
  - d. **Banking** - An account in the Association's name shall be opened at a recognised financial institution approved by the Executive. Cheques and other relevant documents shall be signed by such officers as the Executive decides.
  - e. **Audit** - The accounts of the Association shall, as soon as is practicable after the end of the Association's Financial Year, be audited by a person who is qualified in the terms of the requirement of the Act. A vacancy in the office of the Auditor during the year shall be filled by an auditor appointed by the Executive.

## **29. COMMON SEAL**

- 29.1 The Association may have a Common Seal in the form of a stamp inscribed with the name of the Association encircling the word 'Seal'. The Executive shall provide for safe custody of the Seal, which shall be used only by the authority of the Executive and every instrument to which the seal is affixed shall be signed by two officers of the Executive as determined by the Executive specifically for the purpose.

## **30. CUSTODY OF BOOKS**

- 30.1 Subject to the Act, the regulations and Sub-section 29.1.a of this Constitution, the Secretary shall keep in his control all records and other documents relating to the Association.

## **31. INSPECTION OF BOOKS**

- 31.1 The records, books and other documents of the Association shall be open to inspection at a place in the Territory, free of charge, by a member of the Association at any reasonable hour.

## **32. INDEMNITY**

- 32.1 A member or members of the Association shall be indemnified out of the funds of the Association against all reasonable losses and expenses incurred in the discharge of any duties imposed upon a member by the Executive except such losses and expense as shall happen by the wilful neglect or default of such member or members.

## **33. WINDING-UP OF THE ASSOCIATION**

- 33.1 If the Association is to be wound-up it shall be in accordance with the requirements of the Act.
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